REMARKS

In the Office Action Summary included with the Office Action dated September 3, 2002, the Examiner indicates that "Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121." Applicants bring to the Examiner's attention a Preliminary Amendment and Supplemental Application Data Sheet (ADS) filed in the USPTO for this case on August 16, 2002. In that Preliminary Amendment and Supplemental ADS, the Applicants expressly rescind their claim to the benefit of priority under 35 U.S.C. § 120. Thus, Applicants do not claim any priority in the present application.

In the Office Action, the Examiner subjected the claims to a restriction and election requirement. The Examiner grouped the claims into five groups of allegedly distinct inventions, as outlined below:

Group I	Claims 1-50, which are drawn to "chimeric phosphorylation indicator[s]"; and claims 51-62, drawn to related kits comprising the indicators.
Group II	Claims 63, 64 and 73-76, which are drawn to polynucleotides.
Group III	Claims 65, 66, 68 and 69, drawn to vectors; and claims 67 and 70, drawn to host cells.
Group IV	Claims 77-92, which are drawn to methods for detecting a kinase or phosphatase in a sample.
Group V	Claims 93 and 94, which are drawn to methods for detecting a kinase inhibitor or a phosphatase inhibitor.

Applicants respectfully point out a typographical error and what appears to be a clerical error in the Office Action. On page 2 of the Office Action, the Examiner includes claim "665," drawn to a vector, in the invention of Group III. Applicants believe that the Examiner intended to write claim "65."

It appears that the Examiner has inadvertently omitted claims 71 and 72 from the restriction groupings. Claims 71 and 72 recite kits comprising polynucleotides. Based on the groupings that the Examiner made in Group I, Applicants believe that the Examiner intended to place claims 71 and 72 in the invention of Group II. Applicants' Response to the present restriction requirement will assume that claims 71 and 72 belong to the invention of Group II.

Applicants hereby elect the invention of Group II (claims 63, 64 and 71-76), with traverse. The Examiner asserts in the Office Action that Inventions of Groups II and III are unrelated, as they are different chemical compounds, *i.e.*, nucleic acids that have different nucleotide sequences (Office Action, page 3, paragraph 6). Applicants must respectfully disagree. The vectors and host cells of Group III (which comprise the polynucleotides of Group II) are required for the use of the polynucleotides of Group II, and as such, are merely embodiments of the invention of Group II. It is widely recognized in the art that for a polynucleotide coding sequence to find use *in vivo*, the coding sequence must be used in the context of control sequences that permit replication of the polynucleotide and expression of the polypeptide encoded by the polynucleotide. These ancillary features are provided by operably-joined polynucleotide sequences to form larger molecules (*i.e.*, *vectors*). Furthermore, a vector of this invention whose ultimate function is to express a gene product can not be used alone; rather, the vector must be used in the context of a cell (a *host cell*).

Thus, Applicants believe that the vectors and host cells of Group III (claims 65-70) are embodiments of the polynucleotide invention of Group II (claims 63, 64 and 71-76), and respectfully request that the claims of Group III be joined with those of Group II and examined on the merits during prosecution of the present application.

In addition, Applicants were requested to elect a single disclosed species for prosecution on the merits in the event that Group I, II or III was elected and no generic claim is held to be allowable. However, the Examiner's requirement for the election of species was unclear, because it was not indicated what aspects of the invention were subject to the election of species requirement, and the Examiner did not provide a list of species from which the species should be selected.

In a telephone conference that occurred on September 18, 2002, Examiner Sisson explained that the election of species requirement applied to each of the four subdomains of the four-part compound molecule recited in independent claim 1. **Applicants hereby elect the following species for examination if a generic claim is not held to be allowable:**

Generic Element	Elected Species
donor molecule	ECFP (amino acids 1-227 of SEQ ID NO:6)
phosphorylatable domain	synthetic peptide LRRASLP (SEQ ID NO:20)
phosphoaminoacid binding domain	14-3-3τ polypeptide (amino acids 1-232)
acceptor molecule	citrine (YFP; SEQ ID NO:10 having Q69M)

In the present Amendment, Applicants have cancelled all originally filed claims, *i.e.*, claims 1-94. Applicants have added new claims 95-166, which correspond in subject matter and scope to the claims of elected Group II (corresponding to new claims 95-160) as well as Group III (corresponding to new claims 161-166). The exact correspondence of these claims is shown in the table below:

Cancelled Claim	Corresponding New Claim(s)
Group II	
63	95, and dependent claims 96-31
64	132, and dependent claims 133-144
71	149-152
72	153-160
73	145
74	146
75	147
76	148
Group III	
65	161
66	162
67	163
68	164
69	165
70	166

In summary, Applicants hereby elect with traverse the claims in Group II for prosecution on the merits, and elect the above-indicated species in the event that no generic claim is found allowable. The Examiner is respectfully requested to reconsider the present restriction requirement in view of the arguments provided herein and combine the claims of Groups II and

III, and examine the new claims provided in the present amendment. These new claims are identical in subject matter and scope to the claims of elected Group II as well as Group III.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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